

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALVAIR DESOUSA JR.,	§
	§ No. 97, 2022
Petitioner Below,	§
Appellant,	§
	§ Court Below–Superior Court
v.	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ C.A. No. N20X-10-054
Respondent Below,	§
Appellee.	§

Submitted: April 4, 2022

Decided: April 5, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **MONTGOMERY-REEVES**, Justices.

ORDER

After careful consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) On March 16, 2022, the Court received the appellant's notice of appeal from a Superior Court Commissioner's order denying without prejudice the appellant's petition to expunge his criminal record. The Senior Court Clerk issued a notice to the appellant to show cause why this appeal should not be dismissed for the Court's lack of jurisdiction to consider an appeal taken directly from a Superior Court commissioner's order.

(2) The appellant has responded to the notice to show cause and argues that the Superior Court Commissioner erroneously denied his petition. The appellant does not address the Court's lack of jurisdiction to hear the appeal. It is well-settled that this Court is without jurisdiction to hear an appeal taken directly from any order issued by a master or commissioner of a trial court¹ and that the right to review of a commissioner's order is to a judge of the Superior Court.² Accordingly, this appeal must be dismissed. The appellant's filing fee for any future appeal from the Superior Court's final judgment shall be waived.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice

¹ See *Johnson v. State*, 884 A.2d 475, 478-79 (Del. 2005).

² See Del. Super. Ct. Civ. R. 132(a).